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Image A(1)

Application Serial No. 09/900,927

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Repp et al.

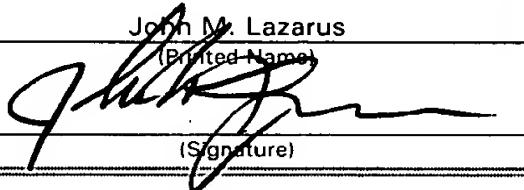
Title: QUILTING METHOD AND SYSTEM

Application 09/900,927
No.:

Filing Date: 07/09/2001

Examiner: Salvatore, Lynda M.

Art Unit: 1771

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
EV 227048387 US (Express Mail Label Number)	December 4, 2003 (Date of Deposit)
<hr/> John M. Lazarus (Printed Name)  (Signature)	

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL

Transmitted herewith are the following documents for the above-identified application.

- Petition to Accept an Unintentionally Delayed Claim of Priority Under 35 U.S.C. §§ 120 and 121 and 37 C.F.R. § 1.78 (7 pages).
- Exhibits A, B, C, D and E.
- Check No. 38756 in the amount of \$1,330.00.

The Commissioner is hereby authorized to make any necessary amendment to the specification to bring the Present Application into compliance with 35 U.S.C. §§ 120-121 and 37 C.F.R. § 1.78, and to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.



Attorney Docket No. 074313-0102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Repp et al.

Title: QUILTING METHOD AND SYSTEM

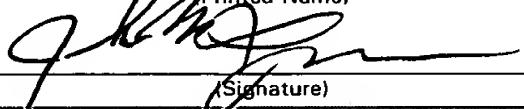
Appl. No.: 09/900,927

Filing Date: 07/09/2001

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EV227048387US (Express Mail Label Number)	December 4, 2003 (Date of Deposit)
<hr/> John M. Lazarus (Printed Name)	
<hr/>  (Signature)	

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM OF PRIORITY UNDER 35 U.S.C. §§ 120 AND 121 AND 37 C.F.R. § 1.78**

The Applicants submit this Petition to Accept An Unintentionally Delayed Claim of Priority Under 35 U.S.C. §§ 120-21 and for Corrected Filing Receipt ("Petition") in the Present Application (U.S. Patent Application No. 09/900,927 filed on July 9, 2001) under 37 C.F.R. § 1.78(a)(3).

12/09/2003 SSANDARA 00000009 09900927
01 FC:1453
1330.00 OP

Please direct all correspondence to the undersigned attorney at the address indicated below.

Respectfully submitted,

Date December 4, 2003

By 

John M. Lazarus
Attorney for the Applicants
Registration No. 48,367

FOLEY & LARDNER
Customer Number: 26371
Telephone: (414) 297-5591
Facsimile: (414) 297-4900

BACKGROUND

The Present Application is a divisional of Application No. 09/521,810 (“Parent Application”) as indicated on the “Utility Patent Application Transmittal” for the Present Application, filed on July 9, 2001.

Petition to Advance Examination

A Petition to Advance Examination filed by the Applicants on November 26, 2001 was granted. See Decision on Petition Under M.P.E.P. § 708.02 mailed on February 5, 2002. Accordingly, the Applicants respectfully request that this Petition be handled with special dispatch.

Notice of Allowance

The Applicant acknowledges receipt of a Notice of Allowance in the Present Application, mailed on October 7, 2003.

Previously Filed Request for Amendment Under 37 C.F.R. § 1.312

The Applicants filed a Request for Amendment Under 37 C.F.R. § 1.312 (“Rule 312 Request”) on October 17, 2003 to amend the Specification of the Present Application to include a specific reference to the Parent Application, as set forth in 35 U.S.C. § 120-21. The Rule 312 Request is pending.

It is the understanding of the Applicants that upon granting of the Petition, the appropriate amendment will be made to the Present Application before issuance, by entry of the pending Rule 312 Request or otherwise (e.g. by examiner’s amendment), to place the Present Application in full compliance with 35 U.S.C. §§ 120-21. The Applicants hereby authorize the entry of such an examiner’s amendment.

Interview Summary

A series of telephonic interviews were conducted (on November 18, 2003 and on December 2, 2003) between Supervisor Terrel Morris and John Lazarus (the representative of the Applicants). Supervisor Morris determined that the Request for Amendment filed by the Applicants could not be processed as such under 37 C.F.R. § 1.312, and that a petition should be filed under 37 C.F.R. § 1.78.

A telephonic interview was conducted on December 4, 2003 between PTO representative Joni Chang and John Lazarus. Representative Chang suggested that the Rule 312 Request should be referenced in the Petition and that the issue fee in the present application should not be filed until grant of the Petition (but before the January 7, 2004 deadline) so that the Rule 312 Request could be entered upon grant of the Petition.

PETITION

The Applicants respectfully petition for entry of the proposed amendment to the Specification of the Present Application to include a specific reference and to reflect the claim for priority to the Parent Application, as available under 35 U.S.C. §§ 120-21, pursuant to 37 C.F.R. § 1.78 and a corresponding correction of the filing receipt.

As grounds for the Petition, the Applicants state as follows:

1. The entire delay between the date that the claim for priority and amendment to include a specific reference to the Parent Application was due in the Present Application under 37 C.F.R. § 1.78(a)(2) and the date the claim for priority and amendment to include a specific reference to the Parent Application was actually filed was unintentional. See 37 C.F.R. § 1.78(a)(3)(ii).

2. The Parent Application (Serial No. 09/521,810) titled "Quilting Method and System" was filed on March 9, 2000 by the law firm Andrus, Sceales, Starke & Sawall, LLP on behalf of the named inventors Jilene A. Repp and Francis A. Yogerst (the Applicants) by the Assignee (June Tailor, Inc.).

3. In an Office Action mailed on February 8, 2001, in the Parent Application, the Examiner made a restriction requirement between Group I (Claims 1-14) and Group II (Claims 15-20) in the Parent Application.

4. In an Amendment filed on April 5, 2001, in the Parent Application, the Applicants confirmed the election of Claims 1-14, amended Claims 1-13, and stated that they “will cancel claims 15-20 on allowance of this Application subject to reserving the right to file a divisional application.”

5. The Parent Application including Claims 1-14 was allowed by the Examiner in a Notice of Allowance and Issue Fee Due mailed on April 27, 2001.

6. The Present Application (Serial No. 09/900,927) titled “Quilting Method and System” was filed on July 9, 2001 by the law firm Andrus, Sceales, Starke & Sawall, LLP on behalf of the named inventors Jilene A. Repp and Francis A. Yogerst (the Applicants).

7. The Present Application is actually a divisional of the Parent Application, sharing the same specification and originally presenting Claims 15-20 that had been cancelled in response to a restriction requirement in the Parent Application.

8. The Present Application was filed on July 9, 2001 with a Utility Patent Application Transmittal (form OMB 0651-0032) stating that the present Application is a “Divisional ... of prior application No. 09/521,810.” See Exhibit A.

9. A Preliminary Amendment was also filed on July 9, 2001 stating that the Present Application is a “Divisional of Serial No. 09/521,810 Filed: 03/09/2000;” the Preliminary Amendment also gave instructions to “cancel claims 1-14.” See Exhibit B.

10. U.S. Patent No. 6,261,397 issued from the Parent Application on July 17, 2001.

11. A Filing Receipt for the Present Application mailed on August 8, 2001 did not include an entry under “Domestic Priority data as claimed by applicant” for priority as a divisional of the parent Application, notwithstanding that the Present Application was identified as a divisional of the Parent Application in the transmittal of the Present Application.

12. As of November 9, 2001 (and to the date of filing of the Rule 312 Request and this Petition), through inadvertence and unintentionally, the Present Application had not been amended to include a specific reference and/or claim of priority to the Parent Application under 35 U.S.C. §§ 120-21 and 37 C.F.R. § 1.78(a)(2). The Applicants (by their representatives) held and demonstrated a belief and understanding that the Present Application was properly designated as a divisional of the Parent Application.

13. A Petition to Advance Examination was filed by the Applicants on November 26, 2001. The Petition stated that the Present Application “is assigned to June Tailor, Inc., 2861 Highway 175, Richfield, Wisconsin 53076, and is a divisional application of Serial No. 09/521,810, now U.S. Patent No. 6,261,397, issued July 17, 2001.” See Exhibit C.

14. A Declaration of Minh Nguyen (of the law firm Andrus, Sceales, Starke & Sawall, LLP) was also filed by the Applicants with the Petition to Advance Examination filed on November 26, 2001. The Declaration stated “this application is a divisional of Serial No. 09/521,810, now U.S. Patent No. 6,261,397, issued July 17, 2001.” See Exhibit D.

15. A non-final Office Action mailed on March 15, 2002 did not indicate that “acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121,” notwithstanding that the Present Application was identified as a divisional of the Parent Application in the transmittal of the Present Application.

16. On June 17, 2002, the law firm Andrus, Sceales, Starke & Sawall, LLP transferred the file for the Present Application to the law firm Foley & Lardner, as instructed by the Assignee (June Tailor, Inc.).

17. On October 24, 2002, Foley & Lardner filed a Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, and Change of Correspondence Address. Foley & Lardner continued the prosecution of the Present Application on behalf of the Applicants.

18. A “Notice of Allowance and Fee(s) Due” for the Present Application was mailed on October 7, 2003.

19. Upon review of the Present Application in preparation for payment of the issue fee, Foley & Lardner first noticed that the claim of priority to the Parent Application had not been acknowledged by the U.S. Patent and Trademark Office for the Present Application.

20. The intent of the Applicants to provide a claim of priority to the Parent Application is demonstrated in the Utility Patent Application Transmittal (form OMB 0651-0032) stating that the Present Application is a "Divisional ... of prior application No. 09/521,810" (a claim for the benefit of priority under 35 U.S.C. §§ 120-21 and 37 C.F.R. § 1.78) (provided as Exhibit A) as well as in other papers filed by the Applicants (see Exhibits B, C, and D).

21. The Applicants have submitted a proposed Amendment to the Specification of the Present Application to include a specific reference to the Parent Application, indicating the relationship of the Present Application as a divisional of the Parent Application, under 35 U.S.C. §§ 120-21. The proposed amendment is presented in the pending Rule 312 Request (copy attached as Exhibit E) which proposed amendment is hereby incorporated by reference in this Petition.

22. The Amendment to the Specification provides a specific reference identifying the Present Application as a divisional of the Parent Application, Application No. 09/521,810, filed on March 9, 2000. See 37 C.F.R. § 1.78(a)(2)(i).

23. As shown in the transmittal and Preliminary Amendment, from the date of filing of the Present Application, the Applicants intended to make a claim of priority to the Parent Application in the Present Application. The entire delay in the failure to amend the Present Application to contain a specific reference (and claim of priority) to the Parent Application from the date specified in 37 C.F.R. § 1.78(a)(2)(ii) until the date of filing of the pending Rule 312 Request and of the Petition by the Applicants was unintentional. See 37 C.F.R. § 1.78(a)(3)(ii).

24. The Applicants have enclosed a check (no. 38756) in the amount of \$1330.00 for the surcharge as set forth in 37 C.F.R. § 1.17(t). See 37 C.F.R. § 1.78(a)(3)(i).

25. The Applicants respectfully request grant of the Petition and entry of an amendment (according to the pending Rule 312 Request or in another proper form) and issuance of a corrected Filing Receipt to show the claim for domestic priority to the Parent Application, as made by the Applicants in the Utility Patent Application Transmittal filed concurrently with the Present Application.

26. A Petition to Advance Examination filed by the Applicants on November 26, 2001 was granted. See Decision on Petition Under M.P.E.P. § 708.02 mailed on February 5, 2002. Accordingly, the Applicants respectfully request that this Petition be handled with special dispatch.

Upon the grant of this Petition, the Rule 312 Request filed on October 17, 2003 may be entered (or some other appropriate action be taken by the Examiner, such as an Examiner's Amendment), to amend the Present Application and place it in full compliance with 35 U.S.C. §§ 120-21, prior to issuance of the Present Application as a patent.

Respectfully submitted,

By 

John M. Lazarus
Attorney for the Applicants
Registration No. 48,367

Date December 4, 2003

FOLEY & LARDNER
Customer Number: 26371
Telephone: (414) 297-5591
Facsimile: (414) 297-4900

DEC 04 2003

Please type a plus sign (+) inside this box [+]

Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

Attorney Docket No.	1295-00044	Total Pages	21
First Named Inventor or Application Identifier			
Jilene A. Repp			
Express Mail Label No.	EL812732075US		

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

1. Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. Specification [Total Pages **10**] []
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. Drawing(s) (35 USC 113) [Total Sheets **1**] []

4. Oath or Declaration [Total Pages **2**] []
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 17 completed)
 [Note Box 5 below]

i. **DELETION OF INVENTOR(S)**

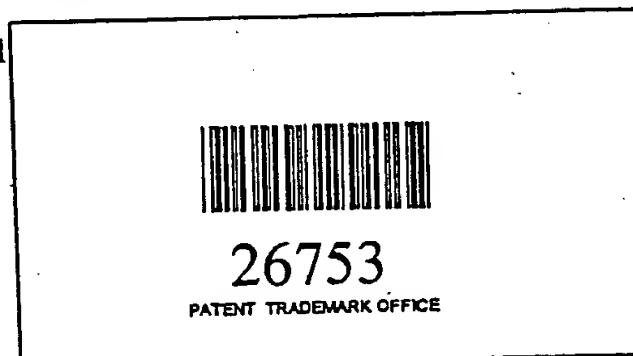
Signed statement attached deleting
inventor(s) named in the prior
application, see 37 CFR 1.63(d)(2) and
1.33(b).

5. Incorporation By Reference (useable if Box 4b is checked). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

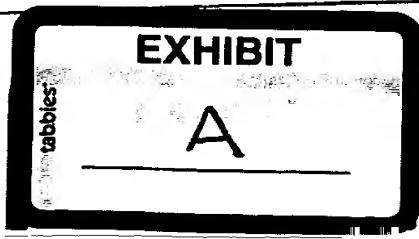
14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:
 Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/521,810

18. CORRESPONDENCE ADDRESS

- Customer Number or Bar Code Label



or Correspondence address
below.



Applicant: Jilene A. Repp et al

Page 2

CERTIFICATE OF EXPRESS MAIL

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Barbara A. Johnson
Barbara A. Johnson

July 9, 2001.
Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:) Divisional of Serial No. 09/521,810
JILENE A. REPP ET AL) Filed: 03/09/2000
) QUILTING METHOD AND SYSTEM)

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to calculation of the filing fee in the above identified application, please amend the application as follows:

IN THE CLAIMS:

Cancel claims 1-14.

Respectfully submitted,
ANDRUS, SCEALES, STARKE & SAWALL, LLP

By:

A handwritten signature in black ink, appearing to read "Eugene R. Sawall".

Eugene R. Sawall
Reg. No. 17,431

Andrus, Sceales, Starke & Sawall
100 East Wisconsin Avenue, St. 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No: 1295-00044





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:)
JILENE A. REPP ET AL)
Serial No.: 09/900,927)
Filed: July 9, 2001)
Group Art Unit: 1733)
Examiner:)
QUILTING METHOD AND)
SYSTEM)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER FOR PATENTS, Washington, D.C. 20231, this 26th day of November, 2001.

Barbara A. Johnson 11-26-01
Barbara A. Johnson Date

PETITION TO ADVANCE EXAMINATION

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

APPLICANT respectfully requests accelerated special examination of the above entitled application under Section 371.0102(d) and the required fee of \$130.00 is submitted herewith.

The above application is assigned to June Tailor, Inc., 2861 Highway 175, Richfield, Wisconsin 53076, and is a divisional application of Serial No. 09/521,810, now U.S. Patent No. 6,261,397, issued July 17, 2001. The parent application was processed with accelerated special examination.

APPLICANT, as recited herein, includes the named inventors and the assignee of the application.

Basis for Request

This request is made based on an existing infringement of one or more of the claims of the subject application by The Stearns Technical Textile Company of 100 Williams Street, Cincinnati, Ohio 45215-1683 and is based on the products of said



company as shown in the attached Exhibits 1 and 2. The infringement is fully discussed hereinafter.

Applicant made a careful and thorough search of the prior art in connection with the filing and prosecution of the parent application.

The searches covered art relating to the use of an adhesive to interconnect a quilt batting to the covers to avoid the tedious task of stitching the covers to the quilt batting.

A careful and thorough search of the prior art has been made of the issued patents in the U.S. Patent and Trademark Office, as well as of literature and foreign patent art by Nerac. Such searching was conducted by or on behalf of the firm of Andrus, Sceales, Starke & Sawall of Milwaukee, Wisconsin, with instructions to locate prior art which might be considered pertinent to the subject matter of quilt batting as set forth in the above entitled application.

The practice of the above firm is solely directed to intellectual property and related matters, and has actively prepared and prosecuted patent applications, including novelty searches as well as searches in connection with other aspects of patents, such as sale and license of patents and patent litigation.

An updated search has been conducted to locate any other additional art to support this request for accelerated prosecution.

Eugene R. Sawall, submits herewith a Declaration attesting to the updated search of the Patent and Trademark Office files

The prior complete and thorough searches with the update thereof, were specifically made to locate any prior art, both analogous and non-analogous, which might be considered in reviewing the claims of this Application.

Subject Matter of the Above-Entitled Application

This divisional application is particularly directed to quilt batting constructed to improve and simplify the creating of a quilt, particularly by individual quilters. The invention may also be applied with respect to mass production of quilts. The application covers a quilt batting with the appropriate adhesive applied for making a quilt cover for

bedding or like application, and in a state for assembly with the covers without the conventional temporary stitching of the three layers.

Historically in the forming of a quilt, a soft and relatively thick inner soft layer, generally known as batting, previously of cotton and more currently of cotton or polyester-cotton combinations, is enclosed within an outer cloth cover. The cover will normally consist of a top fabric member and a bottom or backing fabric member which are secured about the periphery to totally enclose the batting. Both of the cover members may be formed of the same, or different, cloth material. Under prior practice, the covers are attached to the batting manually by basting. This involves manually stitching of the covers to the opposite sides of the batting with relatively long stitches passing through all three elements. This requires the manual threading of a fine thread through the three layers of the covered batting and along the surface of the layers at spaced locations to locate and temporarily attach the covers to the batting. The quilter then manually attaches the covers through various attachment elements (e.g. connectors) passing through all layers including the covers to form various surfaces and to completely secure the covers along the edges to totally enclose the batting to complete the quilt. The final attachment of covers is usually through spaced locations to form a quilt.

After the formation of the final connections, the temporary stitching made prior to forming the quilt pattern and final connection, is manually removed.

The special batting of the above application is a special adhesive coated batting which eliminates the temporary stitching, and thus avoids the tedious time consuming task not only of providing the initial stitching, but the subsequent removal of such temporary stitching from the final quilt.

The quilt batting of this application particularly eliminates the temporary stitching by providing a batting with an adhesive facing and preferably a thin and activatable adhesive applied to the opposite faces of the batting. The adhesive initially does not sufficiently adhere to the covers to prevent or interfere with proper positioning of the batting between the covers. The quilter purchases a batting with the adhesive, and this divisional application is directed to that product.

The adhesive covered batting may be directly and conveniently assembled with top and back covers, as follows.

The batting is supported on a suitable support structure such as a table or other flat physical support. A first cover is placed over the batting and moved into an appropriate relationship to cover the batting as a part of the final quilt. Thus, the cover must be placed with all edges properly arranged on the cover. This will generally require positioning of the cover relative to the batting during assembly to properly orientate the batting and the cover. The cover is then heated, preferably through the simple use of a hot iron conventionally used for home ironing of clothing and other fabrics to activate the adhesive and provide at least a temporary adherence therebetween to hold the batting in proper location on the cover. After adherence of the first cover member, the batting and the attached cover is reversedly placed on the support and the second cover is properly arranged on the batting. When properly oriented on the batting, the second cover is ironed and thereby correspondingly activates the adhesive to adhere the second cover to the interposed batting.

Other forms of adhesive to permit proper positioning of the cover over the batting and to initially form a non-interfering attachment may be used. For example, a light attachment which permits arranging the covers for proper attachment may be used. The adhesive must, when activated, at least temporarily maintain the adherence of the covers to the batting and permit the quilter to directly proceed without concern as to shifting of the covers relative to the batting during the forming of a desired design by machine stitching, manual tufting of the quilt subassembly (or through other suitable connectors). Such product allows the appropriate closing of the cover edges to totally enclose the batting and produce a finished quilt.

The adhesive may be such as to remain present in the final quilt (see pages 3, lines 18-22 of the application). The activated attachment is at least as long as necessary to permit the quilters to finish the quilt, by sewing or tufting (or through use of other connectors) the covers to each other and the batting. The adhesive may or may not then be removed.

In a preferred construction, the adhesive is of a variety which will dissolve in water and dissipate in a simple washing of the final quilt. The final result is a finished quilt identical to that heretofore produced, but without the tedious initial temporary stitching and subsequent removal of such stitching, to produce the finished quilt.

The claims of the above entitled application include claims 15-23 which are directed to adhesive covered batting to form the quilt which is then directly assembled with outer covers as a first step in forming the quilt.

Independent claims 15 and 21 each define a quilt batting member as a separate element consisting of the finished batting with an adhesive on the opposed surfaces for sale particularly to individual quilters. Applicant's claims define the new and unique batting having an adhesive which acquires activation to at least connect the covers to batting and avoids the necessity of manual stitching and subsequent removal of such temporary stitching. This permits an improved and more rapid method of preparing the quilt without the tedious and time consuming stitching step of the prior art.

Stearns' Batting

Applicant submits herewith two outer packages for batting of Stearns Technical Textile Company, with the roll of batting removed, except for a small sample thereof removed from the respective rolls of battings consisting of:

1. Exhibit 1: Instructions for use of "Gold-Fuse" Fusible Batting;
2. Exhibit 2: Instructions for use of "White Gold" Fusible Cotton Batting.

Exhibit 1 is taken from a Stearns Packaging for a roll of Gold-Fuse Cotton Polyester Batting with fusible adhesive on the opposite faces. The instructions clearly discloses use of a steam iron to activate the adhesive and form the bond for attaching the covers to each other and the batting during the tufting or sewing to form a finished quilt.

Applicants' do not know of Stearns' batting which was identified as "fusible" other than battings sold for quilting after applicants' fusible batting was advertised and "sold".

Exhibit 2 is a similar package for Stearns White Gold Iron-Baste 100% Cotton batting for quilting, with instructions for activating the adhesive to secure the batting to the covers by use of a steam iron.

The White Gold instructions note that the fusible batting may be placed directly on the ironing board and a top cover fused to the exposed batting. However, "The fusible surface of the batting does not permanently 'stick' to the iron or ironing board," is noted.

The instructions on the back of the package Exhibits include all of the steps first taught in this art by the present applicant and as set forth in the Application.

In one system, the batting with an adhesive on the opposed surfaces is cut to a desired size. The back cover is laid with one side down and the batting laid thereon. The quilt top cover is placed over the batting in an appropriate arranged and exposed position with the outer side exposed. A steam iron is then used to press from the center of the quilt outwardly, lifting the iron to move it and being sure to press the entire surface. The one-sided covered batting is then turned over and similarly assembled and connected. The process then proceeds with a prior known method of quilting.

The literature specifically notes that you may machine quilt or hand quilt and that it can be laundered, also as taught in the present application.

Thus, in both Exhibits 1 and 2 the adhesive is not active to hold the batting to the cover but requires a steam iron to press the outer quilt cover to the adhesive coated batting for holding the batting in place, without the conventional stitching, during the hand or machine finishing of the quilt. This is the very substance of the present invention.

In both Exhibits, prior to ironing, the cover can be moved relative to the batting, as the adhesive is not sufficiently activated to limit the same. As noted in both instances, the bond is "...stronger after the ironed layers cool" as set forth to backside of the package as shown by highlighted portions by the undersigned Eugene R. Sawall, and would then be in condition for final quilting by hand or machine for permanently connecting of the covers.

In both instances, the adhesive functions in accordance with the teaching of the invention disclosed and claimed in the above entitled application; i.e., the adhesive is activated to eliminate the usual tedious temporary stitching.

In connection with the "White Gold" Product (Exh. 2), Stearns states the batting can be placed on the iron board, and an outer cover applied and attached by ironing

with the steam iron, because "the fusible surface of the batting does not permanently 'stick' to the ironing board", see back instructions. (Highlighting by the undersigned Eugene R. Sawall).

In summary, Stearns uses an adhesive which may remain a part of the final quilt, at least in the White Gold Product. During the making of the quilt, the adhesive is activated by the ironing and cooling to establish at least a temporary bond, which permits the personal finishing of the quilt by the quilter by permanently attaching the covers to each other and to the batting; either by machine sewing or manually for forming of spaced connections of thread, yarn or other suitable connectors, which is extended through the quilt cover and the batting at spaced locations to complete the quilt.

The instructions on the Stearns Exhibit 2 particularly states the cover is not permanently bonded to the cover, and one can assume the same is true of the early Exhibit 1 if the adhesive is not removed from the final quilt.

The Infringement

Claims 15-23 define the batting with the adhesive which requires activation to establish a connection permitting the finishing step.

It is submitted that the Stearns sale of its special battings with the adhesive on the opposed surfaces is an infringement of one or more pending claims.

Independent claim 15 is directed to the quilt batting "member" constructed for location between top and bottom cloth covers of a quilt and configured for receiving the permanent and final connecting means through the covers and the batting member. The batting member is defined as a soft, thick material with the adhesive improvement on the batting. The claim recites an inactive adhesive on the opposed faces of said batting member for proper location of the batting abutting the covers. This requires the batting be movable relative to the covers prior to adhesive activation. After properly locating the batting relative to one or more covers, the adhesive is activated to attach the batting member to the cover(s) in such manner that the assembly can be finished by usual hand or machine finishing.

This defines the unique quilt batting of Exhibit 1 and 2 which is sold as a separate product in the quilting trade for use by quilters by Stearns. At least with the "White

"Gold" product, the adhesive remains a part of the final product, but does not provide a permanent bond.

Independent claim 21 defines the adhesive to permit the placement of the batting between the covers, and particularly allows movement therebetween in order to properly orientate the batting. The desired assembly is then processed to activate the adhesive, and secure the covers in place for final interconnection of the covers to each other and to the batting by suitable connectors, such as spaced tufts and/or by sewing through the two covers and batting to finish the quilt. The adhesive, as defined in dependent claim 22, may remain as part of the finished quilt.

The adhesive must hold the assembly together for at least the temporary period for completing the connection (e.g. tufting and/or sewing) to the state where the proper orientation of batting and the covers are in the final fixed position. The adhesive, depending upon the adhesive selected, may remain as part of the finished quilt, or removed, if so desired.

Thus, the critical and unique feature of this new quilt batting is an adhesive coating which totally eliminates the necessity for the standard stitching as present in all prior art quilt batting for over a hundred years, while producing a final quilt with the spaced securing of the covers to each other and to the batting a connector, such as tufts, pattern sewing, or other suitable connecting means.

The claims as presented are believed to be clearly infringed and patentable over all of the prior art known to APPLICANTS.

Newly Located Art

The disclosures located as a result of original searches (see references in U.S. 6,261,397) and the updated new search do not remotely suggest the use of an adhesive to connect the battings to the quilt covers and permit finishing of the quilt without the historical tedious and time consuming stitching and subsequent removal thereof. The additional patents disclose interlining and cloth member attachments for forming of wearing apparel.

U.S. Patent 1,856,556 issued May 3, 1932 discloses a "Method of Embroidering" wherein pattern pieces 4 are connected by an adhesive to the cloth. The pieces 4 are dissolved by water after finishing the embroidering.

U.S. Patent 4,333,982 which issued June 8, 1982 discloses an apparel or garment and is, as best, similar to the U.S. Patent 3,333,380 (issued August 1, 1967) encountered in the prosecution of the parent application, now U.S. Patent 6,261,397. This patent disclosed a separate collar interliner adhesively inserted and then sewn in place.

More particularly, the '982 patent discloses a separate fusible interlining for a washable garment. The patent particular disclose "...a novel heat-sealable film which can be used as a fusible interlining..." (column 2, lines 36-41). The film can be formed without a base material and inserted between two layers of outer fabric. (Columns 2-3, lines 67-2). The product is usable as a stiffener strip for shirt collars. (Column 3, lines 41-42).

U.S. Patent 4,613,538 which issued September 23, 1986 discloses adhesive bonding of interlining to an outer fabric using adhesive dots on one of the two elements to form a permanent bonded connection with a padded or quilted appearance. The patent appears directed to forming a garment material, as various other patents in the garment industry.

U.S. Patent 5,546,877 which issued August 20, 1996 discloses securing a fabric within a special support structure to sew and embroider or otherwise apply an image to the fabric by a needle and thread. (Column 2, lines 36-41). Fig. 5a-5c disclose a method of supporting a series of elements to each other and fabric 4 with adhesives.

U.S. Patent 6,051,090 which issued April 18, 2000 similarly discloses interconnecting sewable materials to make "various apparel items" (Column 1, line 2) and is particularly directed to a part of a stitching unit 28 having a movable support 18 which dictates the stitching pattern on a sewable material 14. Support 18 has an opening 32, which is attached to the stitching apparatus 20. A sewable material 14 is secured to a sheet material 12 by an adhesive. The sheet material 12 is in turn secured to the support 18 overlying the opening 18. A stitching head 20 stitches through the material 12 and 14 aligned with the opening 18. (Column 4, lines 23-43).

The '090 patent thus provides a system for machine stitching of a fabric to a base with an adhesive support to form a cloth member which may be used to form wearing apparel, such as caps, shirts or the like. (Column 1, lines 27-28).

Conclusion

Based on the results of the original and the additional search and the above analysis of the newly located art, it is respectfully submitted that Applicant is entitled to the broad patent protection on the quilt batting with the adhesive which must be activated for establishing a connection of the outer covers to the batting to avoid the tedious stitching, which has provided a significant improvement in the art of quilting. Coverage for the unique quilt batting for preparing of quilts is essential to allow June Tailor, Inc., to properly protect the novel base for the improved forming of quilts particularly by individual quilters.

The description as set forth in the products of Stearns clearly includes a batting with an adhesive on the opposed faces which is heated and pressure applied to thereby activate the adhesive for the subsequent assembly and final manual or machine attachment of the batting to the two covers, to avoid the prior art tedious stitching and subsequent removal, which is clearly based on the teaching of the present applicants.

The acceleration of this application is requested to allow litigation of the method patent and the unique product. The infringer having denied direct infringement. Simultaneous processing of both subjects is desired.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By

Eugene R. Sawall
Reg. No. 17,431

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 1295-00044

HOW TO USE GOLD-FUSE

PLEASE READ ALL INFORMATION PRIOR TO USE!

This fusible, iron-on batting is intended to eliminate time consuming methods of basting a quilt together. It is 50% cotton 50% polyester non-woven fiber with a fusible bonded surface finish on both sides. GOLD-FUSE provides a light fuse that is repositionable after ironing. Please unfold and handle GOLD-FUSE carefully to insure optimum results. For best fusing results, use pre-washed 100% cotton fabrics for your quilt top and backing.

You will need to use a steam iron, ideally with a "shot of steam" feature. Set your iron on a wool setting. When pressing, lift the iron to move to the next section to prevent the layers from shifting. If you end up with a wrinkle, gently pull the fabric off of the batting and reposition and press again. The bond will be stronger after the layers cool. Avoid touching the surface of the iron directly to the surface of GOLD-FUSE.

INSTRUCTIONS FOR USING GOLD-FUSE

1. Separately press fabric layers, quilt top and backing, before "fuse basting".
2. Carefully unroll and unfold batting to single layer.
3. Cut batting to desired size, while in a single layer.
4. Lay backing with right side down. Place batting to wrong side of backing. Place quilt top to batting with right side up.
5. With a steam iron set to wool setting, begin pressing in the center of the quilt. Gradually press toward sides and ends of quilt top, lifting iron to move. Make sure you press the entire surface.
See NOTE below for large projects.
6. Turn the quilt over and repeat step 5.
7. Proceed with desired method of quilting. You may machine quilt or hand quilt up to 3 inches apart.

Note: For a large quilt, you can iron the quilt top only to the batting first. You may line up the side and top of the quilt with the batting. Roll the quilt and press "section by section", moving to the next section while still warm so the bottom layer can be moved on the ironing board. Then turn over and position the backing and press.

LAUNDERING A FINISHED QUILT WITH GOLD-FUSE

A well constructed quilt can be gently laundered by machine. Use cool water and a gentle or "soak" cycle. The quilt may be dried in a dryer on a low heat setting or lay flat to dry.

(1) underling added by applicants

Instructions for Using White Gold

This iron-baste batting is non-woven fiber with a fusible surface on both sides and is repositionable after ironing. Please unfold and handle carefully to insure optimum results. For best fusing results, use pre-washed 100% cotton fabrics for your quilt top and backing.

① Press quilt top and backing before "iron-basting". Carefully unroll and unfold batting to single layer and cut to desired size. You may layer the batting with both quilt top and backing, or fuse one layer at a time. The fusible surface of the batting does not permanently "stick" to the iron or ironing board. Use a steam iron, ideally with a "shot of steam" feature set on a wool setting. Press the entire surface of both sides of the project. If necessary, gently pull the fabric off the batting and reposition and press again. The bond will be stronger after the layers cool. The quilt is ready to be quilted by hand or machine up to 2" apart all over.

A well constructed quilt can be gently laundered by machine. Use cool water and a gentle or "soak" cycle. The quilt may be dried in a dryer on a low heat setting or lay flat to dry.

If you have any questions about
Mountain Mist, call me please!

Phoebe Edwards

1-800-345-7150
1-513-948-5252

The Stearns Technical Textiles Company
100 Williams Street
Cincinnati, OH 45215
www.steamstextiles.com
mountain.mist@steamstextiles.com

① underling added by applicants



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

JILENE A. REPP ET AL

Application No.: 09/900,927

Filed: 07/09/2001

Group Art Unit: 1733

Examiner:

QUILTING METHOD AND SYSTEM

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 26th day of November, 2001.

Barbara A. Johnson 11-26-01
Barbara A. Johnson Date

DECLARATION OF MINH NGUYEN

Commissioner of Patents
Washington, D.C. 20231

I hereby declare as follows:

1. I am a law clerk at the firm of Andrus, Sceales, Starke & Sawall, LLP. I am a third year law student at Marquette University Law School and will receive a juris doctorate degree in May, 2002. I am in the diploma privilege program so that when I graduate, I will immediately be able to practice law.

U.S. Patent No. 6,261,397.

U.S. Patent No. 6,261,397.

3. I conducted an updated search using the online database of the U.S. Patent Office including a search for patent classes pertinent to batting or other filling materials with an adhesive thereon as supplemental to the search conducted in the filing of the parent application of this divisional application.



4. I conferred with Eugene R. Sawall in connection with the product of June Tailor Inc. relating to the use of a batting with an adhesive applied to the opposite side surfaces for interconnection to outer quilt covers of a quilt and for subsequent securement of the covers to each other and to the batting in known quilting processes.

5. The updated search was conducted in the U.S. Patent Office using the online database in order to review the classes and subclasses. I reviewed each of the patents in the originally searched subclasses in sequence, and reviewed each patent to locate those patents that appeared to be in any aspect pertinent to a filling material, and more specifically a batting, with any adhesive applied to the batting in any manner and having an outer cover or covers as shown in the disclosure, without requiring the specific limitation present in the subject matter of the disclosure relating to the quilt fusible batting.

6. The search was not limited to the specifics of this particular disclosure, i.e., an inactive adhesive applied to a batting for temporary attachment as a stitch replacement, in order to ensure a complete and thorough search of all possibly pertinent prior patent art relating to the connection of a batting to the outer covers of fabric or the materials.

7. In performing the present search, I included all classes originally searched including the classes required or cited by the examiner.

8. In my opinion we have searched extensively through all the pertinent art spending a total time of at least two hours and located all art relating to batting used to form a quilt as well as other art related to bonding of materials on other fields.

JILENE A. REPP ET AL

Application No.: 09/900,927

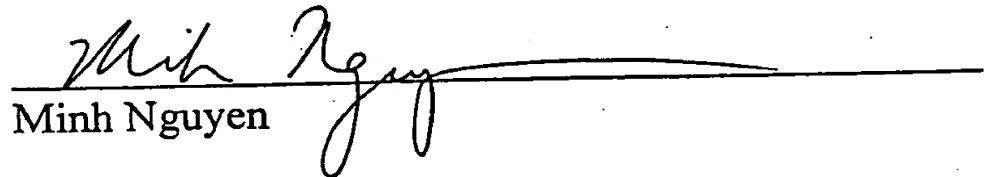
9. The additional patents and literature located are those set forth in Section D of the Petition for Acceleration of the divisional application Serial No. 09/521,810 entitled "Quilting Method and System".

10. A substantial number of prior art searches of patent and literary art have been conducted in a similar manner in the firm of Andrus, Sceales, Starke & Sawall, LLP.

Respectfully submitted by:

ANDRUS, SCEALES, STARKE & SAWALL, LLP

Dated: 11/26/01


Minh Nguyen



Attorney Docket No. 074313-0102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Repp et al.

Title: QUILTING METHOD AND SYSTEM

Appl. No.: 09/900,927

Filing Date: 07/09/2001

Examiner: Salvatore, Lynda M.

Art Unit: 1771

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Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

EL 979074262 US 10/17/03
(Express Mail Label Number) (Date of Deposit)

Carolyn Simpson

(Printed Name)

Carolyn Simpson

(Signature)

REQUEST FOR AMENDMENT UNDER 37 C.F.R. § 1.312 AND
REQUEST FOR CORRECTED FILING RECEIPT

The Applicant acknowledges receipt of a Notice of Allowance in the above-referenced Application. Prior to payment of the issue fee, please amend the Application as follows:

Amendments to the Specification begin on page 2 of this document.

Remarks begin on page 3 of this document.

Please amend the application as follows:



Amendments to the Specification

Please amend the Specification as follows:

On page 1, after the Title “**“QUILTING METHOD AND SYSTEM”** please add the following new paragraphs:

The present Application is a divisional of U.S. Application Serial No. 09/521,810 titled “Quilting Method and System” filed on March 9, 2000, now U.S. Patent No. 6,261,397.

The present Application claims the benefit of priority as available under 35 U.S.C. §§ 120 and 121 of U.S. Application Serial No. 09/521,810 titled “Quilting Method and System” filed on March 9, 2000, now U.S. Patent No. 6,261,397.

REMARKS

This proposed Amendment is being filed prior to payment of the issue fee in Application No. 09/900,927. See 37 C.F.R. § 1.312.

The Present Application is a divisional of Application No. 09/521,810 ("Parent Application") as indicated on the "Utility Patent Application Transmittal" for the Present Application, filed on July 9, 2001.

The Applicants respectfully request entry of the proposed Amendment and correction of the Filing Receipt to reflect the claim for priority to the Parent Application, as available under 35 U.S.C. §§ 120 and 121.

As grounds for the request, the Applicants state as follows:

1. The Parent Application (Serial No. 09/521,810) titled "Quilting Method and System" was filed on March 9, 2000 by the law firm Andrus, Sceales, Starke & Sawall, LLP on behalf of the named inventors Jilene A. Repp and Francis A. Yogerst (the Applicants).
2. In an Office Action mailed on February 8, 2001, the Examiner made a restriction requirement between Group I (Claims 1-14) and Group II (Claims 15-20) in the Parent Application.
3. In an Amendment filed on April 5, 2001, the Applicants confirmed the election of Claims 1-14, amended Claims 1-13, and stated that they "will cancel claims 15-20 on allowance of this Application subject to reserving the right to file a divisional application."
4. The Parent Application including Claims 1-14 was allowed by the Examiner in a Notice of Allowance and Issue Fee Due mailed on April 27, 2001.
5. The Present Application (Serial No. 09/900,927) titled "Quilting Method and System" was filed on July 9, 2001 by the law firm Andrus, Sceales, Starke & Sawall, LLP on behalf of the named inventors Jilene A. Repp and Francis A. Yogerst (the Applicants).

6. The Present Application is actually a divisional of the Parent Application, sharing the same specification and originally presenting Claims 15-20 that had been cancelled in response to a restriction requirement in the Parent Application.

7. The Present Application was filed on July 9, 2001 with a Utility Patent Application Transmittal (form OMB 0651-0032) stating that the present Application is a "Divisional ... of prior application No. 09/521,810." See Exhibit A. A Preliminary Amendment was also filed on July 9, 2001 stating that the Present Application is a "Divisional of Serial No. 09/521,810 Filed: 03/09/2000," the Preliminary Amendment also gave instructions to "cancel claims 1-14." See Exhibit B.

8. U.S. Patent No. 6,261,397 issued from the Parent Application on July 17, 2001.

9. A Filing Receipt for the Present Application mailed on August 8, 2001 did not include an entry under "Domestic Priority data as claimed by applicant" for priority as a divisional of the parent Application, notwithstanding that the Present Application was identified as a divisional of the Parent Application in the transmittal of the Present Application.

10. A Petition to Advance Examination was filed by the Applicants on November 26, 2001. The Petition stated that the Present Application "is assigned to June Tailor, Inc., 2861 Highway 175, Richfield, Wisconsin 53076, and is a divisional application of Serial No. 09/521,810, now U.S. Patent No. 6,261,397, issued July 17, 2001." See Exhibit C.

11. A Declaration of Minh Nguyen (of the law firm Andrus, Sceales, Starke & Sawall, LLP) was also filed by the Applicants with the Petition to Advance Examination filed on November 26, 2001. The Declaration stated "this application is a divisional of Serial No. 09/521,810, now U.S. Patent No. 6,261,397, issued July 17, 2001." See Exhibit D.

12. A non final Office Action mailed on March 15, 2002 did not indicate that "acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121," notwithstanding that the Present Application was identified as a divisional of the Parent Application in the transmittal of the Present Application.

13. On June 17, 2002, the law firm Andrus, Sceales, Starke & Sawall, LLP transferred the file for the Present Application to the law firm Foley & Lardner, as instructed by the Assignee (June Tailor, Inc.).

14. On October 24, 2002, Foley & Lardner filed a Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, and Change of Correspondence Address. Foley & Lardner continued the prosecution of the Present Application on behalf of the Applicants.

15. A Notice of Allowance and Fee(s) Due for the Present Application was mailed on October 7, 2003.

16. Upon review of the Present Application in preparation for payment of the issue fee, Foley & Lardner first noticed that the claim of priority to the Parent Application had not been acknowledged by the U.S. Patent and Trademark Office for the Present Application.

17. A copy of the Utility Patent Application Transmittal (form OMB 0651-0032) stating that the Present Application is a "Divisional ... of prior application No. 09/521,810" (a proper claim for the benefit of priority under 35 U.S.C. §§ 120 and 121 and 37 C.F.R. § 1.78) is provided. See Exhibit A.

18. The Applicants have now submitted a proposed Amendment to the Specification of the Present Application under 37 C.F.R. § 1.312 to include a reference to the Parent Application, indicating the relationship of the Present Application as a divisional of the Parent Application.

19. The Amendment to the Specification provides a reference identifying the Present Application as a divisional of the Parent Application, Application No. 09/521,810,

filed on March 9, 2000. See 37 C.F.R. § 1.78(a)(2)(i).

20. As shown in the transmittal and Preliminary Amendment, from the date of filing of the Present Application, the Applicants intended to make a claim of priority to the Parent Application in the Present Application. Any failure to amend the Present Application to contain a reference to the Parent Application that may have occurred was unintentional.

21. The Applicants respectfully request entry of the Amendment under 37 C.F.R. § 1.312 and the issuance of a corrected Filing Receipt to show the claim for domestic priority to the Parent Application, as made by the Applicants in the Utility Patent Application Transmittal filed concurrently with the Present Application.

22. A Petition to Advance Examination filed by the Applicants on November 26, 2001 was granted. See Decision on Petition Under M.P.E.P. § 708.02 mailed on February 5, 2002. Accordingly, the Applicants respectfully request that this Request be handled with special dispatch.

The Applicants believe that no petition under 37 C.F.R. § 1.78(a)(3) is required and no petition fee or other fees are due in connection with this Request for Amendment under 37 C.F.R. § 1.312. In the event that this belief is not correct, the undersigned authorizes the Commissioner to proceed under 37 C.F.R. § 1.78(a)(3) and to charge Deposit Account No. 06-1447 for any petition fee.

Respectfully submitted,

By _____



John M. Lazarus
Attorney for the Applicants
Registration No. 48,367

Date October 17, 2003

FOLEY & LARDNER
Customer Number: 26371
Telephone: (414) 297-5591
Facsimile: (414) 297-4900

Please type a plus sign (+) inside this box [+]

Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>		Attorney Docket No. 1295-00044	Total Pages 21
		First Named Inventor or Application Identifier Jilene A. Repp	
		Express Mail Label No. EL812732075US	
APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small>		ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages 10] (preferred arrangement set forth below)</p> <ul style="list-style-type: none">- Descriptive title of the Invention- Cross References to Related Applications- Statement Regarding Fed sponsored R & D- Reference to Microfiche Appendix- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 1] 2]</p> <p>4. Oath or Declaration [Total Pages 2] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below]</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>5. <input type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p> <p>14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: <u>09/521,810</u>.</p> <p>18. CORRESPONDENCE ADDRESS</p> <p><input checked="" type="checkbox"/> Customer Number or Bar Code Label</p> <p><input type="checkbox"/> Correspondence address below.</p> <p> 26753 PATENT TRADEMARK OFFICE</p>			

Page 1

EXHIBIT

F1 A12732075115

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Barbara A. Johnson
Barbara A. Johnson

July 9, 2001.
Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:)
JILENE A. REPP ET AL) Divisional of Serial No. 09/521,810
) Filed: 03/09/2000
) QUILTING METHOD AND SYSTEM)

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to calculation of the filing fee in the above identified application, please amend the application as follows:

IN THE CLAIMS:

Cancel claims 1-14.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By:



Eugene R. Sawall
Reg. No. 17,431

Andrus, Sceales, Starke & Sawall
100 East Wisconsin Avenue, St. 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No: 1295-00044

EXHIBIT

B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:)
JILENE A. REPP ET AL)
Serial No.: 09/900,927)
Filed: July 9, 2001)
Group Art Unit: 1733)
Examiner:)
QUILTING METHOD AND)
SYSTEM)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER FOR PATENTS, Washington, D.C. 20231, this 26th day of November, 2001.

Barbara A. Johnson 11-26-01
Barbara A. Johnson Date

PETITION TO ADVANCE EXAMINATION

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

APPLICANT respectfully requests accelerated special examination of the above entitled application under Section 371.0102(d) and the required fee of \$130.00 is submitted herewith.

The above application is assigned to June Tailor, Inc., 2861 Highway 175, Richfield, Wisconsin 53076, and is a divisional application of Serial No. 09/521,810, now U.S. Patent No. 6,261,397, issued July 17, 2001. The parent application was processed with accelerated special examination.

APPLICANT, as recited herein, includes the named inventors and the assignee of the application.

Basis for Request

This request is made based on an existing infringement of one or more of the claims of the subject application by The Stearns Technical Textile Company of 100 Williams Street, Cincinnati, Ohio 05215-4683 and is based on the products of said

EXHIBIT C

company as shown in the attached Exhibits 1 and 2. The infringement is fully discussed hereinafter.

Applicant made a careful and thorough search of the prior art in connection with the filing and prosecution of the parent application.

The searches covered art relating to the use of an adhesive to interconnect a quilt batting to the covers to avoid the tedious task of stitching the covers to the quilt batting.

A careful and thorough search of the prior art has been made of the issued patents in the U.S. Patent and Trademark Office, as well as of literature and foreign patent art by Nerac. Such searching was conducted by or on behalf of the firm of Andrus, Sceales, Starke & Sawall of Milwaukee, Wisconsin, with instructions to locate prior art which might be considered pertinent to the subject matter of quilt batting as set forth in the above entitled application.

The practice of the above firm is solely directed to intellectual property and related matters, and has actively prepared and prosecuted patent applications, including novelty searches as well as searches in connection with other aspects of patents, such as sale and license of patents and patent litigation.

An updated search has been conducted to locate any other additional art to support this request for accelerated prosecution.

Eugene R. Sawall, submits herewith a Declaration attesting to the updated search of the Patent and Trademark Office files

The prior complete and thorough searches with the update thereof, were specifically made to locate any prior art, both analogous and non-analogous, which might be considered in reviewing the claims of this Application.

Subject Matter of the Above-Entitled Application

This divisional application is particularly directed to quilt batting constructed to improve and simplify the creating of a quilt, particularly by individual quilters. The invention may also be applied with respect to mass production of quilts. The application covers a quilt batting with the appropriate adhesive applied for making a quilt cover for

bedding or like application, and in a state for assembly with the covers without the conventional temporary stitching of the three layers.

Historically in the forming of a quilt, a soft and relatively thick inner soft layer, generally known as batting, previously of cotton and more currently of cotton or polyester-cotton combinations, is enclosed within an outer cloth cover. The cover will normally consist of a top fabric member and a bottom or backing fabric member which are secured about the periphery to totally enclose the batting. Both of the cover members may be formed of the same, or different, cloth material. Under prior practice, the covers are attached to the batting manually by basting. This involves manually stitching of the covers to the opposite sides of the batting with relatively long stitches passing through all three elements. This requires the manual threading of a fine thread through the three layers of the covered batting and along the surface of the layers at spaced locations to locate and temporarily attach the covers to the batting. The quilter then manually attaches the covers through various attachment elements (e.g. connectors) passing through all layers including the covers to form various surfaces and to completely secure the covers along the edges to totally enclose the batting to complete the quilt. The final attachment of covers is usually through spaced locations to form a quilt.

After the formation of the final connections, the temporary stitching made prior to forming the quilt pattern and final connection, is manually removed.

The special batting of the above application is a special adhesive coated batting which eliminates the temporary stitching, and thus avoids the tedious time consuming task not only of providing the initial stitching, but the subsequent removal of such temporary stitching from the final quilt.

The quilt batting of this application particularly eliminates the temporary stitching by providing a batting with an adhesive facing and preferably a thin and activatable adhesive applied to the opposite faces of the batting. The adhesive initially does not sufficiently adhere to the covers to prevent or interfere with proper positioning of the batting between the covers. The quilter purchases a batting with the adhesive, and this divisional application is directed to that product.

The adhesive covered batting may be directly and conveniently assembled with top and back covers, as follows.

The batting is supported on a suitable support structure such as a table or other flat physical support. A first cover is placed over the batting and moved into an appropriate relationship to cover the batting as a part of the final quilt. Thus, the cover must be placed with all edges properly arranged on the cover. This will generally require positioning of the cover relative to the batting during assembly to properly orientate the batting and the cover. The cover is then heated, preferably through the simple use of a hot iron conventionally used for home ironing of clothing and other fabrics to activate the adhesive and provide at least a temporary adherence therebetween to hold the batting in proper location on the cover. After adherence of the first cover member, the batting and the attached cover is reversely placed on the support and the second cover is properly arranged on the batting. When properly oriented on the batting, the second cover is ironed and thereby correspondingly activates the adhesive to adhere the second cover to the interposed batting.

Other forms of adhesive to permit proper positioning of the cover over the batting and to initially form a non-interfering attachment may be used. For example, a light attachment which permits arranging the covers for proper attachment may be used. The adhesive must, when activated, at least temporarily maintain the adherence of the covers to the batting and permit the quilter to directly proceed without concern as to shifting of the covers relative to the batting during the forming of a desired design by machine stitching, manual tufting of the quilt subassembly (or through other suitable connectors). Such product allows the appropriate closing of the cover edges to totally enclose the batting and produce a finished quilt.

The adhesive may be such as to remain present in the final quilt (see pages 3, lines 18-22 of the application). The activated attachment is at least as long as necessary to permit the quilters to finish the quilt, by sewing or tufting (or through use of other connectors) the covers to each other and the batting. The adhesive may or may not then be removed.

In a preferred construction, the adhesive is of a variety which will dissolve in water and dissipate in a simple washing of the final quilt. The final result is a finished quilt identical to that heretofore produced, but without the tedious initial temporary stitching and subsequent removal of such stitching, to produce the finished quilt.

The claims of the above entitled application include claims 15-23 which are directed to adhesive covered batting to form the quilt which is then directly assembled with outer covers as a first step in forming the quilt.

Independent claims 15 and 21 each define a quilt batting member as a separate element consisting of the finished batting with an adhesive on the opposed surfaces for sale particularly to individual quilters. Applicant's claims define the new and unique batting having an adhesive which acquires activation to at least connect the covers to batting and avoids the necessity of manual stitching and subsequent removal of such temporary stitching. This permits an improved and more rapid method of preparing the quilt without the tedious and time consuming stitching step of the prior art.

Stearns' Batting

Applicant submits herewith two outer packages for batting of Stearns Technical Textile Company, with the roll of batting removed, except for a small sample thereof removed from the respective rolls of battings consisting of:

1. Exhibit 1: Instructions for use of "Gold-Fuse" Fusible Batting;
2. Exhibit 2: Instructions for use of "White Gold" Fusible Cotton Batting.

Exhibit 1 is taken from a Stearns Packaging for a roll of Gold-Fuse Cotton Polyester Batting with fusible adhesive on the opposite faces. The instructions clearly discloses use of a steam iron to activate the adhesive and form the bond for attaching the covers to each other and the batting during the tufting or sewing to form a finished quilt.

Applicants' do not know of Stearns' batting which was identified as "fusible" other than battings sold for quilting after applicants' fusible batting was advertised and "sold".

Exhibit 2 is a similar package for Stearns White Gold Iron-Baste 100% Cotton batting for quilting, with instructions for activating the adhesive to secure the batting to the covers by use of a steam iron.

The White Gold instructions note that the fusible batting may be placed directly on the ironing board and a top cover fused to the exposed batting. However, "The fusible surface of the batting does not permanently 'stick' to the iron or ironing board," is noted.

The instructions on the back of the package Exhibits include all of the steps first taught in this art by the present applicant and as set forth in the Application.

In one system, the batting with an adhesive on the opposed surfaces is cut to a desired size. The back cover is laid with one side down and the batting laid thereon. The quilt top cover is placed over the batting in an appropriate arranged and exposed position with the outer side exposed. A steam iron is then used to press from the center of the quilt outwardly, lifting the iron to move it and being sure to press the entire surface. The one-sided covered batting is then turned over and similarly assembled and connected. The process then proceeds with a prior known method of quilting.

The literature specifically notes that you may machine quilt or hand quilt and that it can be laundered, also as taught in the present application.

Thus, in both Exhibits 1 and 2 the adhesive is not active to hold the batting to the cover but requires a steam iron to press the outer quilt cover to the adhesive coated batting for holding the batting in place, without the conventional stitching, during the hand or machine finishing of the quilt. This is the very substance of the present invention.

In both Exhibits, prior to ironing, the cover can be moved relative to the batting, as the adhesive is not sufficiently activated to limit the same. As noted in both instances, the bond is "...stronger after the ironed layers cool" as set forth to backside of the package as shown by highlighted portions by the undersigned Eugene R. Sawall, and would then be in condition for final quilting by hand or machine for permanently connecting of the covers.

In both instances, the adhesive functions in accordance with the teaching of the invention disclosed and claimed in the above entitled application; i.e., the adhesive is activated to eliminate the usual tedious temporary stitching.

In connection with the "White Gold" Product (Exh. 2), Stearns states the batting can be placed on the iron board, and an outer cover applied and attached by ironing

with the steam iron, because "the fusible surface of the batting does not permanently 'stick' to the ironing board", see back instructions. (Highlighting by the undersigned Eugene R. Sawall).

In summary, Stearns uses an adhesive which may remain a part of the final quilt, at least in the White Gold Product. During the making of the quilt, the adhesive is activated by the ironing and cooling to establish at least a temporary bond, which permits the personal finishing of the quilt by the quilter by permanently attaching the covers to each other and to the batting; either by machine sewing or manually for forming of spaced connections of thread, yarn or other suitable connectors, which is extended through the quilt cover and the batting at spaced locations to complete the quilt.

The instructions on the Stearns Exhibit 2 particularly states the cover is not permanently bonded to the cover, and one can assume the same is true of the early Exhibit 1 if the adhesive is not removed from the final quilt.

The Infringement

Claims 15-23 define the batting with the adhesive which requires activation to establish a connection permitting the finishing step.

It is submitted that the Stearns sale of its special battings with the adhesive on the opposed surfaces is an infringement of one or more pending claims.

Independent claim 15 is directed to the quilt batting "member" constructed for location between top and bottom cloth covers of a quilt and configured for receiving the permanent and final connecting means through the covers and the batting member. The batting member is defined as a soft, thick material with the adhesive improvement on the batting. The claim recites an inactive adhesive on the opposed faces of said batting member for proper location of the batting abutting the covers. This requires the batting be movable relative to the covers prior to adhesive activation. After properly locating the batting relative to one or more covers, the adhesive is activated to attach the batting member to the cover(s) in such manner that the assembly can be finished by usual hand or machine finishing.

This defines the unique quilt batting of Exhibit 1 and 2 which is sold as a separate product in the quilting trade for use by quilters by Stearns. At least with the "White

"Gold" product, the adhesive remains a part of the final product, but does not provide a permanent bond.

Independent claim 21 defines the adhesive to permit the placement of the batting between the covers, and particularly allows movement therebetween in order to properly orientate the batting. The desired assembly is then processed to activate the adhesive, and secure the covers in place for final interconnection of the covers to each other and to the batting by suitable connectors, such as spaced tufts and/or by sewing through the two covers and batting to finish the quilt. The adhesive, as defined in dependent claim 22, may remain as part of the finished quilt.

The adhesive must hold the assembly together for at least the temporary period for completing the connection (e.g. tufting and/or sewing) to the state where the proper orientation of batting and the covers are in the final fixed position. The adhesive, depending upon the adhesive selected, may remain as part of the finished quilt, or removed, if so desired.

Thus, the critical and unique feature of this new quilt batting is an adhesive coating which totally eliminates the necessity for the standard stitching as present in all prior art quilt batting for over a hundred years, while producing a final quilt with the spaced securing of the covers to each other and to the batting a connector, such as tufts, pattern sewing, or other suitable connecting means.

The claims as presented are believed to be clearly infringed and patentable over all of the prior art known to APPLICANTS.

Newly Located Art

The disclosures located as a result of original searches (see references in U.S. 6,261,397) and the updated new search do not remotely suggest the use of an adhesive to connect the battings to the quilt covers and permit finishing of the quilt without the historical tedious and time consuming stitching and subsequent removal thereof. The additional patents disclose interlining and cloth member attachments for forming of wearing apparel.

U.S. Patent 1,856,556 issued May 3, 1932 discloses a "Method of Embroidering" wherein pattern pieces 4 are connected by an adhesive to the cloth. The pieces 4 are dissolved by water after finishing the embroidering.

U.S. Patent 4,333,982 which issued June 8, 1982 discloses an apparel or garment and is, as best, similar to the U.S. Patent 3,333,380 (issued August 1, 1967) encountered in the prosecution of the parent application, now U.S. Patent 6,261,397. This patent disclosed a separate collar interliner adhesively inserted and then sewn in place.

More particularly, the '982 patent discloses a separate fusible interlining for a washable garment. The patent particular disclose "...a novel heat-sealable film which can be used as a fusible interlining..." (column 2, lines 36-41). The film can be formed without a base material and inserted between two layers of outer fabric. (Columns 2-3, lines 67-2). The product is usable as a stiffener strip for shirt collars. (Column 3, lines 41-42).

U.S. Patent 4,613,538 which issued September 23, 1986 discloses adhesive bonding of interlining to an outer fabric using adhesive dots on one of the two elements to form a permanent bonded connection with a padded or quilted appearance. The patent appears directed to forming a garment material, as various other patents in the garment industry.

U.S. Patent 5,546,877 which issued August 20, 1996 discloses securing a fabric within a special support structure to sew and embroider or otherwise apply an image to the fabric by a needle and thread. (Column 2, lines 36-41). Fig. 5a-5c disclose a method of supporting a series of elements to each other and fabric 4 with adhesives.

U.S. Patent 6,051,090 which issued April 18, 2000 similarly discloses interconnecting sewable materials to make "various apparel items" (Column 1, line 2) and is particularly directed to a part of a stitching unit 28 having a movable support 18 which dictates the stitching pattern on a sewable material 14. Support 18 has an opening 32, which is attached to the stitching apparatus 20. A sewable material 14 is secured to a sheet material 12 by an adhesive. The sheet material 12 is in turn secured to the support 18 overlying the opening 18. A stitching head 20 stitches through the material 12 and 14 aligned with the opening 18. (Column 4, lines 23-43).

The '090 patent thus provides a system for machine stitching of a fabric to a base with an adhesive support to form a cloth member which may be used to form wearing apparel, such as caps, shirts or the like. (Column 1, lines 27-28).

Conclusion

Based on the results of the original and the additional search and the above analysis of the newly located art, it is respectfully submitted that Applicant is entitled to the broad patent protection on the quilt batting with the adhesive which must be activated for establishing a connection of the outer covers to the batting to avoid the tedious stitching, which has provided a significant improvement in the art of quilting. Coverage for the unique quilt batting for preparing of quilts is essential to allow June Tailor, Inc., to properly protect the novel base for the improved forming of quilts particularly by individual quilters.

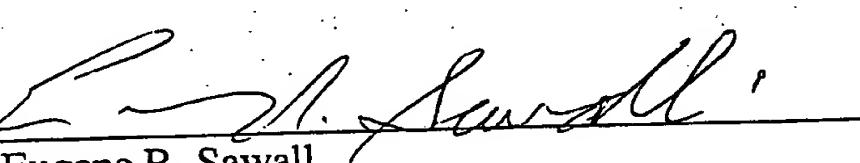
The description as set forth in the products of Stearns clearly includes a batting with an adhesive on the opposed faces which is heated and pressure applied to thereby activate the adhesive for the subsequent assembly and final manual or machine attachment of the batting to the two covers, to avoid the prior art tedious stitching and subsequent removal, which is clearly based on the teaching of the present applicants.

The acceleration of this application is requested to allow litigation of the method patent and the unique product. The infringer having denied direct infringement. Simultaneous processing of both subjects is desired.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By


Eugene R. Sawall

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Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 1295-00044

HOW TO USE GOLD-FUSE

PLEASE READ ALL INFORMATION PRIOR TO USE!

This fusible, iron-on batting is intended to eliminate time consuming methods of basting a quilt together. It is 50% cotton 50% polyester non-woven fiber with a fusible bonded surface finish on both sides. GOLD-FUSE provides a light fuse that is repositionable after ironing. Please unfold and handle GOLD-FUSE carefully to insure optimum results. For best fusing results, use pre-washed 100% cotton fabrics for your quilt top and backing.

You will need to use a steam iron, ideally with a "shot of steam" feature. Set your iron on a wool setting. When pressing, lift the iron to move to the next section to prevent the layers from shifting. If you end up with a wrinkle, gently pull the fabric off of the batting and reposition and press again. The bond will be stronger after the layers cool. Avoid touching the surface of the iron directly to the surface of GOLD-FUSE.

INSTRUCTIONS FOR USING GOLD-FUSE

1. Separately press fabric layers, quilt top and backing, before "fuse basting".
2. Carefully unroll and unfold batting to single layer.
3. Cut batting to desired size, while in a single layer.
4. Lay backing with right side down. Place batting to wrong side of backing. Place quilt top to batting with right side up.
5. With a steam iron set to wool setting, begin pressing in the center of the quilt. Gradually press toward sides and ends of quilt top, lifting iron to move. Make sure you press the entire surface.
See NOTE below for large projects.
6. Turn the quilt over and repeat step 5.
7. Proceed with desired method of quilting. You may machine quilt or hand quilt up to 3 inches apart.

Note: For a large quilt, you can iron the quilt top only to the batting first. You may line up the side and top of the quilt with the batting. Roll the quilt and press "section by section", moving to the next section while still warm so the bottom layer can be moved on the ironing board. Then turn over and position the backing and press.

LAUNDERING A FINISHED QUILT WITH GOLD-FUSE

A well constructed quilt can be gently laundered by machine. Use cool water and a gentle or "soak" cycle. The quilt may be dried in a dryer on a low heat setting or lay flat to dry.

(1) underling added by applicants

Instructions for Using White Gold

This iron-baste batting is non-woven fiber with a fusible surface on both sides and is repositionable after ironing. Please unfold and handle carefully to insure optimum results. For best fusing results, use pre-washed 100% cotton fabrics for your quilt top and backing.

- Press quilt top and backing before "iron-basting". Carefully unroll and unfold batting to single layer and cut to desired size. You may layer the batting with both quilt top and backing, or fuse one layer at a time. The fusible surface of the batting does not permanently "stick" to the iron or ironing board. Use a steam iron, ideally with a "shot of steam" feature set on a wool setting. Press the entire surface of both sides of the project. If necessary, gently pull the fabric off the batting and reposition and press again. The bond will be stronger after the layers cool. The quilt is ready to be quilted by hand or machine up to 2" apart all over.

A well constructed quilt can be gently laundered by machine. Use cool water and a gentle or "soak" cycle. The quilt may be dried in a dryer on a low heat setting or lay flat to dry.

If you have any questions about
Mountain Mist, call me please!

Phoebe Edwards

1-800-345-7150
1-513-948-5252

The Stearns Technical Textiles Company
100 Williams Street
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(1) underling added by applicant

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

JILENE A. REPP ET AL

Application No.: 09/900,927

Filed: 07/09/2001

Group Art Unit: 1733

Examiner:

QUILTING METHOD AND SYSTEM

) CERTIFICATE OF MAILING

) I hereby certify that this correspondence is
) being deposited with the United States
) Postal Service with sufficient postage as
) first class mail in an envelope addressed to:
) Commissioner of Patents, Washington, D.C.
) 20231, on this 26th day of November, 2001.

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4. I conferred with Eugene R. Sawall in connection with the product of June Tailor Inc. relating to the use of a batting with an adhesive applied to the opposite side surfaces for interconnection to outer quilt covers of a quilt and for subsequent securement of the covers to each other and to the batting in known quilting processes.

5. The updated search was conducted in the U.S. Patent Office using the online database in order to review the classes and subclasses. I reviewed each of the patents in the originally searched subclasses in sequence, and reviewed each patent to locate those patents that appeared to be in any aspect pertinent to a filling material, and more specifically a batting, with any adhesive applied to the batting in any manner and having an outer cover or covers as shown in the disclosure, without requiring the specific limitation present in the subject matter of the disclosure relating to the quilt fusible batting.

6. The search was not limited to the specifics of this particular disclosure, i.e., an inactive adhesive applied to a batting for temporary attachment as a stitch replacement, in order to ensure a complete and thorough search of all possibly pertinent prior patent art relating to the connection of a batting to the outer covers of fabric or the materials.

7. In performing the present search, I included all classes originally searched including the classes required or cited by the examiner.

8. In my opinion we have searched extensively through all the pertinent art spending a total time of at least two hours and located all art relating to batting used to form a quilt as well as other art related to bonding of materials on other fields.

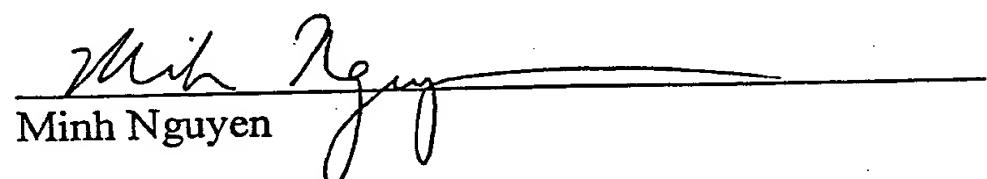
9. The additional patents and literature located are those set forth in Section D of the Petition for Acceleration of the divisional application Serial No. 09/521,810 entitled "Quilting Method and System".

10. A substantial number of prior art searches of patent and literary art have been conducted in a similar manner in the firm of Andrus, Sceales, Starke & Sawall, LLP.

Respectfully submitted by:

ANDRUS, SCEALES, STARKE & SAWALL, LLP

Dated: 11/20/01



Minh Nguyen